

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

Order of Continuance

ETHAN NGUYEN,
a/k/a "Frostie,"
a/k/a "Jakefiftyeight,"
a/k/a "Jobo,"
a/k/a "Joboethan,"
a/k/a "Melfrost," and

22 Mag. 2478

ANDRE LLACUNA,
a/k/a "heyandre,"

Defendants.

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Upon the application of the United States of America and the affirmation of Danielle M. Kudla, Assistant United States Attorney for the Southern District of New York, it is found that defendants Ethan Nguyen and Andre Llacuna were charged with violations of Title 18, United States Code, Sections 1349, and Title 18, United States Code, Section 1956(h) in a complaint dated March 15, 2022, and were arrested on March 24, 2022 in the Central District of California.

It is further found that the defendants were presented in the Central District of California on March 24, 2022 pursuant to Federal Rule of Criminal Procedure 5(c)(3) and ordered to appear in the Southern District of New York on April 4, 2022;

It is further found that the defendants were presented in the Southern District of New York before Magistrate Judge Jennifer E. Willis on April 4, 2022, and were ordered bailed;

It is further found that Edward Sapone, Esq., counsel for defendant Ethan Nguyen, Aaron Mysliwiec, Esq., counsel for defendant Andre Llacuna, and Assistant United States Attorney Danielle M. Kudla have been engaged in, and are continuing, discussions concerning a possible disposition of this case;

It is further found that the Government has requested a continuance of 30 days to engage in further discussions with counsel about the disposition of this case and that the defendant, through counsel, has consented that such a continuance may be granted for that purpose and has specifically waived his right to be charged in an indictment or information for an additional 30 days; and

It is further found that the granting of such a continuance best serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial; and therefore it is

ORDERED that the request for a continuance pursuant to 18 U.S.C. § 3161(h)(7)(A) is hereby granted until October 6, 2022, and that a copy of this Order and the affirmation of Assistant United States Attorney Danielle M. Kudla be served by email on this date on counsel for the defendant by the United States Attorney's Office.

Dated: New York, New York
September 6, 2022



UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

**Affirmation in Support of
Application for Order of Continuance**

ETHAN NGUYEN,
a/k/a "Frostie,"
a/k/a "Jakefiftyeight,"
a/k/a "Jobo,"
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ANDRE LLACUNA,
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Defendants.

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State of New York)
County of New York : ss.:
Southern District of New York)

Danielle M. Kudla, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. The defendants in the above-captioned action were charged in a complaint dated March 15, 2022, with violations of Title 18, United States Code, Section 1349, and Title 18, United States Code, Section 1956(h). The defendants were arrested on March 24, 2022 in the Central District California. Pursuant to Federal Rule of Criminal Procedure 5(c)(3), the defendants were

presented before the magistrate court in the Central District of California and ordered to appear in the Southern District of New York on April 4, 2022. On April 4, 2022, the defendants were presented in the Southern District of New York before Magistrate Judge Jennifer E. Willis and were each ordered bail pursuant to, among other conditions, a \$100,000 personal recognizance bond secured by one financially responsible person. Defendant Ethan Nguyen was represented by Nicholas Kaizer, Esq. as stand-in counsel for counsel of record Edward Sapone, Esq., and defendant Andre Llacuna was represented by Florian Miedel as stand-in counsel for counsel of record Aaron Mysliwiec.

3. On April 4, 2022, counsel for Nguyen and Llacuna consented to waive their clients' rights pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 21 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government initially had until May 4, 2022 within which to file an indictment or information.

4. On or about May 4, 2022, Magistrate Judge Gabriel W. Gorenstein entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until June 3, 2022.

5. On or about June 3, 2022, Magistrate Judge Barbara C. Moses entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until July 5, 2022.

6. On or about July 5, 2022, Magistrate Judge Valerie Figueiredo entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until August 4, 2022.

7. On or about August 4, 2022, Magistrate Judge Katharine H. Parker entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until September 6, 2022.

8. Defense counsel for both defendants and the Government have had discussions regarding a possible disposition of this case beginning on April 4, 2022, and continuing as recently as August 18, 2022. The negotiations have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act, which expires on September 6, 2022.

9. Therefore, the Government is requesting a 30-day continuance until October 6, 2022, to continue the foregoing discussions about a possible disposition of this matter. On August 18, 2022, I personally communicated via email with defense counsel for Ethan Nguyen, who specifically consented to this request. On August 18, 2022, I also personally communicated via email with defense counsel for Andre Llacuna, who specifically consented to this request.

10. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
August 25, 2022



Danielle M. Kudla
Assistant United States Attorney
(212) 637-2304